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EQUITY TITLE, LLC. doing business as.
EQUITY TITLE OF NEVADA

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

EQUITY TITLE, LLC, doing business as,
EQUITY TITLE OF NEVADA,

Plaintiff,

v.

PROFYT ADDYCT, LLC, and STEVEN
GAZLAY, an individual, and DOES 1 through
10 inclusive,

Defendant.

CASE NO.:

JUDGE:

CRTRM:

**COMPLAINT FOR FRAUD AND
DECEIT, RICO VIOLATIONS,
CANCELLATION OF INSTRUMENTS,
AND INJUNCTIVE RELIEF**

ACTION FILED:

TRIAL DATE: None Set

JURISDICTION

1. This Court has original federal jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1331, the Racketeering Influenced Corrupt Organizations Act, 18 U.S.C. § 1961 et seq. ("RICO").

2. This court has supplemental jurisdiction over the subject matter of this action pursuant to 28 U.S.C. § 1367.

5. Venue is proper in this District pursuant to 28 U.S.C. § 1391 in that all named parties are residents of this District, and, in addition, all or a substantial part of the acts and omissions constituting the violations sued upon in this action arose in this District such that the Defendants.

PARTIES

6. Plaintiff EQUITY TITLE, LLC, doing business as, EQUITY TITLE OF NEVADA (“Plaintiff”), is a Nevada Limited Liability Company, with its primary headquarters located in Las Vegas, Nevada.

7. Defendant PROFYT ADDYCT, LLC, is a Nevada Limited Liability Company with its primary headquarters located in Las Vegas, Nevada.

8. Defendant STEVEN GAZLAY is a natural person residing in Las Vegas, Nevada.

9. The true names and capacities of Defendants herein designated by the fictitious names Does 1 through 10, inclusive, are currently unknown to Plaintiff, who therefore sue said Defendants by such fictitious names. When the true names and capacities of such fictitiously named Defendants have been ascertained, Plaintiff will amend this pleading accordingly

FACTUAL ALLEGATIONS

10. On or about August 26, 2020 Defendant STEVEN GAZLAY formed Defendant PROFYT ADDYCT, LLC, with the aiding and abetting of one or more of DOES 1-100, as a Delaware Limited Liability Company, for the purpose of committing wire fraud, and title fraud upon the owners of real property located at 6645 West El Campo Grande, Las Vegas, Nevada 89130 (the “Property”).

11. At all times relevant and currently, Darkzero Esports LLC, a Texas Limited Liability Company, was and is the rightful owner of the Property.

12. On or about August 26, 2020 Defendant STEVEN GAZLAY caused to be prepared, and thereafter executed, a fictitious document entitled “Grant, Bargain, Sale Deed,” purporting to transfer interest in Darkzero Esports LLC to Defendant PROFYT ADDYCT, LLC, and causing said document to be recorded the following day with the Clark County Recorder as Instrument Number 20200827-0001164.

13. Defendants STEVEN GAZLAY and PROFYT ADDYCT, LLC executed said deed, and caused it to be recorded, at all times knowing that they had no authority to do so, and at all times knowing that neither Defendants STEVEN GAZLAY nor PROFYT ADDYCT, LLC had any interest or affiliation whatsoever with Darkzero Esports LLC.

1 14. In pretending to have an interest in Darkzero Esports LLC for the purpose of
2 committing title fraud, Defendant STEVEN GAZLAY falsely created, back-dated, and signed a
3 fictitious document entitled "Operating Agreement of Darkzero Esports LLC."

4 15. On or about August 27, 2020, and while falsely claiming to have an interest in the
5 Property, Defendants STEVEN GAZLAY and PROFYT ADDYCT, LLC, caused to be recorded
6 a Short Form Deed of Trust and Assignment of Rents in favor of Private Funds of America BT,
7 and in the amount of \$750,000.00, which was recorded with the Clark County Recorder as
8 Instrument Number 20200827-0001165.

9 16. By fraudulently encumbering the Property, Defendants STEVEN GAZLAY and
10 PROFYT ADDYCT, LLC caused a transfer of escrow funds from Private Funds of America BT,
11 through Plaintiff EQUITY TITLE OF NEVADA, LLC, resulting in a fraudulent wire transaction
12 of \$707,375.75 from Plaintiff's account with US Bank, N.A., account number ending in 4535, to
13 an account with Bank of America, N.A., account number ending in 8373, this latter account
14 controlled by Defendants STEVEN GAZLAY and PROFYT ADDYCT, LLC.

15 17. As a result of his afore-mentioned conduct, Defendant STEVEN GAZLAY is
16 currently under investigation by the Las Vegas Metropolitan Police Department's Financial
17 Crimes Division, Incident Number LLV20090002464.

18 **FIRST CAUSE OF ACTION:**

19 **FRAUD AND DECEIT**

20 (Against All Defendants)

21 18. Plaintiff incorporates by reference each and every paragraph in this Complaint
22 necessary to state this cause of action as though fully set forth herein.

23 19. Defendants STEVEN GAZLAY and PROFYT ADDYCT, LLC are liable for the
24 fraudulent activity that resulted in the loss of the monies owed to Plaintiff and others. Although
25 Defendants knew such representations to be false, Defendants STEVEN GAZLAY and PROFYT
26 ADDYCT, LLC materially misrepresented that they had an ownership interest in Darkzero Esports
27 LLC.

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20. Defendants STEVEN GAZLAY and PROFYT ADDYCT, LLC are liable for the fraudulent activity that resulted in the loss of the monies owed to Plaintiff and others. Although Defendants knew such representations to be false, Defendants STEVEN GAZLAY and PROFYT ADDYCT, LLC materially misrepresented that they had an interest the Property.

21. As a result of such misrepresentations and Plaintiff's reliance upon same, the Plaintiff has suffered severe financial loss.

SECOND CAUSE OF ACTION:

RICO VIOLATIONS

(Against All Defendants)

22. Plaintiff incorporates by reference each and every paragraph in this Complaint necessary to state this cause of action as though fully set forth herein.

23. The above allegations set out a pattern of racketeering activity in interstate commerce involving at least two acts under Section 1961 of Title 18 which are indictable offenses with respect to Sections 152 and 1961(1)(D) of Title 18.

24. The racketeering enterprise was an association of individuals and limited-liability companies, engaged in an enterprise in which the Defendant STEVEN GAZLAY was the organizer and leader, and had the most influence.

25. Defendants STEVEN GAZLAY unlawfully participated in the racketeering enterprise and conspired with others in the course of operating the racketeering enterprise.

26. Defendants STEVEN GAZLAY and PROFYT ADDYCT, LLC agreed to and did conduct and participate in the conduct of their enterprise's affairs through a pattern of racketeering activity ("any act which is indictable under . . . section 1343 (relating to wire fraud)") and for the unlawful purpose of intentionally defrauding Plaintiff. These Defendants have directly and indirectly conducted and participated in the conduct of the enterprise's affairs through the pattern of racketeering and activity described above, in violation of 18 U.S.C. § 1962(c). Including the specific instances illustrated and mentioned above, specifically the two schemes included, but were not limited to:

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- i. one which involved fraud through the use of false pretense and misrepresentations provided by calling and mailing/emailing false documents purporting to have ownership interest in Darkzero Esports LLC; and
- ii. the second which involved the creation and use of fraudulently recorded instruments (including the recording of same) for misrepresenting the truth in order to obtain loan funds from financial institutions.

27. Specifically, and in furtherance of their ongoing fraudulent scheme, Defendants STEVEN GAZLAY and PROFYT ADDYCT, LLC, and each of them, submitted or caused to be submitted, via interstate telephone wires, and through the U.S. Postal Service/Electronic Email or other private or commercial interstate carrier, fraudulent statements.

28. Pursuant to and in furtherance of their fraudulent scheme, Defendant STEVEN GAZLAY and PROFYT ADDYCT, LLC committed wire fraud, in violation of 18 U.S.C. 1343, as illustrated above.

29. The fraudulent acts of the Defendants STEVEN GAZLAY and PROFYT ADDYCT, LLC set forth above constitute a pattern of racketeering activity pursuant to 18 U.S.C.A. § 1961(5).

30. This pattern is continuous and ongoing, as Defendants STEVEN GAZLAY and PROFYT ADDYCT, LLC continue to attempt to assert control over the \$707,375.75 in wired funds.

31. As a direct and proximate result of the Defendants' racketeering activities and violations of 18 U.S.C.A. § 1962(c), Plaintiff has been injured in its business and property and will lose additional funds used to pay for attorney's fees when attempting to clear title to the Property.

32. Plaintiff is entitled to a monetary award of damages to be determined at trial, a monetary award of punitive damages to be determined at trial, as well as attorney's fees and costs.

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THIRD CAUSE OF ACTION:

CANCELLATION OF INSTRUMENTS

(Against All Defendants)

33. Plaintiff incorporates by reference each and every paragraph in this Complaint necessary to state this cause of action as though fully set forth herein.

34. Defendants STEVEN GAZLAY and PROFYT ADDYCT, LLC have caused to be recorded a fraudulent "Grant, Bargain, Sale Deed," and a fraudulent "Short Form Deed of Trust and Assignment of Rents," recorded by the Clark County Recorder at Instrument Numbers 20200827-0001164 and 20200827-0001165 respectively.

35. These fraudulent instruments recorded are void *ab initio* as Defendants STEVEN GAZLAY and PROFYT ADDYCT, LLC had no legal authority to record such documents.

36. Unless these fraudulent instruments are cancelled, *ab initio* as of the date they were recorded, they may cause serious injury to Plaintiff and others. These fraudulent instruments cloud title to the Property.

37. Moreover, the existence of these fraudulent instruments have caused Plaintiff to incur damages in the form of attorneys' fees and costs in bringing this action.

38. Plaintiff asks the Court to issue a judgment and order cancelling these fraudulent instruments recorded on the Property by Defendant STEVEN GAZLAY and PROFYT ADDYCT, LLC (Clark County Recorder at Instrument Numbers 20200827-0001164 and 20200827-0001165 respectively), *ab initio*, as of the date they were recorded, and awarding damages and punitive damages in an amount to be proven at trial.

FOURTH CAUSE OF ACTION:

INJUNCTIVE RELIEF

(Against All Defendants)

39. Plaintiff incorporates by reference each and every paragraph in this Complaint necessary to state this cause of action as though fully set forth herein.

40. On discovering the claims for relief alleged, Plaintiff hereby makes demand on Bank of America, N.A., to freeze and return to Plaintiff the amount of \$707,375.75 caused to be

1 fraudulently wired to Bank of America, N.A., account number ending in 8373, an account which
2 is controlled by Defendants STEVEN GAZLAY and PROFYT ADDYCT, LLC.

3 41. If Defendants STEVEN GAZLAY and PROFYT ADDYCT, LLC are permitted to
4 exercise control over the funds, Plaintiff will be irreparably injured by, and faces the substantial
5 risk of, being unable to obtain the funds.

6 42. As a result of their unlawful conduct, and while continuing to receive the fruits of
7 their unlawful conduct without making provision for the payment of damages which have accrued
8 and will continue to accrue to Plaintiff, Defendants STEVEN GAZLAY and PROFYT ADDYCT,
9 LLC continue to benefit from their ill-gotten gains, thereby resulting in further irreparable injury
10 to Plaintiff.

11 43. Bank of America, N.A., is currently in receipt of the subject property which
12 rightfully belongs to Plaintiff. Bank of America, N.A. should be required to account to Plaintiff
13 and enjoined from further transferring or allowing Defendants STEVEN GAZLAY and PROFYT
14 ADDYCT, LLC to further convert any of the funds.

15 44. Defendants STEVEN GAZLAY and PROFYT ADDYCT, LLC, through their
16 bank, Bank of America, N.A., are likely to cause further irreparable harm to Plaintiff by further
17 transferring the funds.

18 45. Defendant Bank of America, N.A. should be enjoined preliminarily during the
19 pendency of this action, and permanently thereafter until Defendants STEVEN GAZLAY and
20 PROFYT ADDYCT, LLC have fully satisfied any money judgment rendered in this action for
21 Plaintiff.

22 46. Because Bank of America, N.A. currently has control and possession of the
23 fraudulently-wired funds, Plaintiff is therefore left without an adequate remedy at law and is
24 entitled to injunctive relief.

25 **PRAYER FOR RELIEF**

26 WHEREFORE, Plaintiff prays that Defendants be made to appear and answer this
27 complaint, and that upon the final trial of this case, a Final Judgment be entered by this court in its
28 favor against Defendants as follows:

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- a. Preliminarily and permanently enjoining Bank of America, N.A. from further transferring the funds and requiring Bank of America, N.A. to place a freeze on the funds;
- b. Awarding a full accounting of the transfer(s) and location(s) of all funds;
- c. Restitution of all monies that were fraudulently obtained from Plaintiff;
- d. Issuance of a judgment and order cancelling the fraudulent instruments recorded on the Property by Defendant STEVEN GAZLAY and PROFYT ADDYCT, LLC (Clark County Recorder at Instrument Numbers 20200827-0001164 an 20200827-0001165 respectively), *ab initio*, as of the date they were recorded; and
- e. Awarding Plaintiff damages as against all Defendants, in an amount to be determined at trial, together with punitive damages, incidental damages, including Plaintiff's reasonable attorney's fees and disbursements, any applicable interest, and the costs of this action; and
- f. Such other relief as the court deems just and proper

DEMAND FOR JURY TRIAL

Plaintiff hereby demands a jury trial as provided by Rule 38(a) of the Federal Rules of Civil Procedure.

Dated this 3rd day of September.

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/s/ Marifyn Fine
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